

## **REMARKS**

Claims 1-7 are pending in the application, of which claim 1 is the only independent claim. Claim 1 has been amended. Therefore, upon entry of the present amendment, claims 1-7 will be subject to examination.

### **Claim Objections**

Claims 6-8 are objected to as being in improper form because a multiple dependent claim must specify which previous claims it is referring to. Applicant notes that claim 8 was canceled in the PCT phase. *See* December 19, 2005 PCT International Preliminary Report on Patentability, Item 3. Accordingly claim 8 does not appear in the Preliminary Amendment dated March 17, 2006. *See* Mar. 17, 2006 Preliminary Amendment at 3-4. Furthermore, claims 6 and 7 were amended by that Preliminary Amendment to remove any multiple dependencies and recite that they depend from claim 1. *See* Mar. 17, 2006 Preliminary Amendment at 3-4. Applicant respectfully submits that the cancelation of claim 8 and the amendments to claims 6 and 7 resolve the stated objections to these claims.

### **Rejections under 35 U.S.C. 103**

Claim 1 has been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 4,411,239 to Kelch *et al.* (“Kelch”) in view of U.S. Patent No. 6,821,501 to Matzakos *et al.* (“Matzakos”). This rejection is respectfully traversed as follows.

Applicant respectfully submits that Matzakos is not relevant to the pending claims because it does not disclose a cooling device. Amended claim 1 is directed to a cooling device for a fuel recirculation circuit of a motor vehicle. Therefore, Matzakos should not be considered prior art.

Furthermore, amended claim 1 specifies that the cooling medium is air. In particular, when the medium cooler is air, the cooling device can be mounted inside the bonnet in a position reached by an air current generated when the motor vehicle is running. An efficient heat exchange rate is achieved by means of the internal projections such that requirements for fuel cooling of an engine in a motor vehicle are met. In this way, a cooler according to amended claim 1 does not need a circuit for the cooling medium, and the manufacturing costs are greatly reduced without impacting on the

heat exchange rate, which remains appropriate for the purpose of cooling fuel for an internal combustion engine of a motor vehicle. On the contrary, Matzakos discloses that a current of oxidant can be a current of air (column 8, lines 44-46). Such current has a completely different function with respect to the cooling current of amended claim 1 such that Matzakos neither discloses nor suggests a cooling current of air.

Claim 1 has been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Kelch in view of U.S. Patent No. 3,625,257 to Schroeder *et al.* (“Schroeder”). Applicant respectfully disagrees that Schroeder would be considered by a person having ordinary skill in the art. Schroeder teaches that ribs strengthen and reinforce the structure of the tube. However, amended claim 1 addresses the problem of improving the efficiency of a cooling device and reducing the device’s manufacturing costs. Therefore, a person having ordinary skill in the art attempting to solve the problems of improving efficiency and reducing manufacturing costs would not consider Schroeder because Schroeder fails to address this problem.

Claims 2 and 4/2 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Kelch in view of Matzakos as applied to claim 1 above, and further in view of U.S. Patent No. 4,228,659 to Lowther *et al.* (“Lowther”). Claim 3 has been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Kelch in view of Schroeder and Lowther as applied to claim 2, and further in view of U.S. Patent No. 5,373,709 to Tongu *et al.* (“Tongu”). Claims 5/2 and 4/2 are rejected under U.S.C. 103(a) as allegedly unpatentable over Kelch in view of Matzakos as applied to claim 2 above, and further in view of U.S. Patent No. 5,309,544 to Saxe *et al.* (“Saxe”). Applicant does not specifically address the rejections of the dependent claims at this time because Applicant respectfully submits that the amendment to independent claim 1 and the arguments above regarding independent claim 1 render all of the pending claims allowable. Applicant reserves the right to address the merits of the dependent claims at a later date.

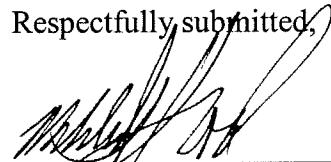
### **Conclusion**

For at least the above reasons, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections. Applicant believes that a full and complete reply has been made to the outstanding Office Action and solicits allowance of the present application. If necessary, the Commissioner is authorized in this and concurrent replies to charge payment (or credit

any overpayment) to Deposit Account No. 50-2298 in the name of Luce, Forward, Hamilton & Scripps LLP, for any additional fees required under 37 CFR 1.16 or 1.17.

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Respectfully submitted,



Mitchell P. Brook  
Reg. No. 32,967  
Attorney for Applicants

LUCE, FORWARD, HAMILTON & SCRIPPS, LLP  
11988 El Camino Real, Suite 200  
San Diego, California 92130  
Tel.: (858) 720-6300  
Fax : (858) 720-6306

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